

REMARKS

Claims 1-30 are pending in this application. Claims 1-3, 6, 12, 15, 16, 18, 19 and 23 have been amended. Claims 24-31 have been added. Applicants note that the Examiner has indicated that claims 11, 15, 18, 19 and 21-23 would be allowable if rewritten in independent form to include the limitations of any intervening dependent claims. Applicant has amended claim 23 to place the claim in condition for allowance and has added new claims 25-30 so as to claim the subject matter of claims 11, 15, 18, 19, 21 and 22, respectively. Claim 31 has been added to further define the claimed invention. The Commissioner may charge any fee required in this application to the below-signed's Deposit Account No. 10-0750/ETH1626/BST. An appropriate fee sheet accompanies this Amendment.

The Examiner objected to the drawings under 37 CFR 1.83(a) because they fail to label groove 42 in Fig 2A. Applicant submits an amended drawing sheet 2 depicting groove 42 in red ink in Figure 2A. Applicant will forward a new set of formal drawings that depict the amendment in the coming month.

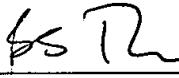
The Examiner rejected claims 1-10, 12-14, 15, 17 and 20 under 35 U.S.C. § 102(b) as being anticipated by Taylor et al. (U.S. Patent No. 5,925,054). Applicant respectfully traverses the rejection. Taylor does not teach or suggest the invention claimed in claim 1 or the claims that depend from claim 1, claims 2-22 and 24. Taylor describes a shunt capable of being inserted into a blood vessel for permitting perfusion of a coronary artery while a bypass graft is being attached to the coronary artery. The shunt facilitates an anastomosis by maintaining a dry anastomosis site while simultaneously maintaining blood flow distally in the blood vessel. In contrast to the current invention, a shunt does not serve to attach a graft vessel to a coronary vessel.

Taylor does not teach or disclose the device of claim 1 or claim 35: an anastomosis device or fastener for use in coupling a graft vessel to a side of a target vessel that includes a graft having an end portion and a coupling member attached to the graft vessel, where the coupling member is radially compressible to a compressed state for insertion of the coupling member and the end portion of the graft vessel into the opening of the target

vessel, and wherein the coupling member is positionable within the opening of the target vessel when it expands from the compressed state to an expanded state. Claims 1 and 35 find support in the specification at least in Figures 10-16 and in the specification at column 8 lines 16-59. The current claims distinguish over Taylor for at least the following reason: the means for expansion or contraction of Taylor are all disposed within the target artery; Taylor does not teach or disclose a coupling member that is positionable within the opening of the target artery when it expands from the compressed to an expanded state. Applicant submits that the claims, as amended, define over Taylor and request the Examiner to withdraw the rejection under 35 U.S.C. § 102(b).

Applicant is preparing an Information Disclosure Statement to be filed in this case within the next week. The Examiner is requested to telephone the undersigned if a discussion would further the prosecution of the pending claims.

Respectfully submitted,

By: 
Brian S. Tomko
Reg. No. 41,349

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1239
Dated: March 7, 2003